

REMARKS

In the present Application, Claims 12 and 14-25 are currently pending. The Examiner's rejections are as follows:

- (I) Claims 12, 14-18, and 20-25 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Fues et al. (U.S. Pat., 5,143,730) in view of Clark (U.S. Pat. 4,847,083); and
- (II) Claim 19 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Fues et al. in view of Clark and further in view of Thiele (U.S. Pat. 3,805,776).

Applicants believe the following remarks traverse the Examiner's rejections of the Claims.

I. The Examiner Has Failed to Consider "Increasing Alkalinity" in the Claims

In the previous Response, dated March 16, 2005, Claim 12 was amended to recite the step of stimulating collagen regeneration in the bone by "increasing alkalinity" in the bone wound with the recited composition. The current Office Action indicates that the March 16, 2005 Amendments have been entered. However, the two 35 U.S.C. 103 rejections do not address this amendment. Instead, these rejections assert that there is acid in the compositions of Fues et al. (lactic acid), and that Clarke et al. teach that this acidic environment could promote collagen formation. While Applicants disagree with the Examiner's rejections¹, the Examiner's arguments serve to highlight the non-obviousness of the present claims. The present claims recite an increase in alkalinity (i.e. increase in pH) to promote collagen regeneration, while the Examiner argues that acid in a composition (which would decrease pH²) could be used to stimulate collagen regeneration. Proceeding in a direction opposite of what the Examiner has alleged could be used to stimulate collagen regeneration is clear evidence of the lack of obviousness of the present invention. Moreover, the combination of the references cited the Examiner, among other things, does not teach increasing alkalinity to stimulate collagen regeneration.

¹ Applicants March 16, 2005 Response is incorporated by reference.

² Clark reference teaches that the phagocytes in certain wounds "**tends to reduce the local pH**, especially through the production of lactic acid" indicating "[t]his is in itself beneficial, in that lactate is bacteriostatic and also stimulates the formation of collagen." (Clarke et al., col. 2, lines 46-49).

Applicants respectfully request that the Examiner re-consider the present claims in light of the "increasing alkalinity" amendment submitted in the previous Response. Upon reconsideration, Applicants submit that no *prima facie* case of obviousness has been established for either of the pending obviousness rejections as the cited prior art does not teach "increasing alkalinity" (i.e. increasing pH) with the recited compositions in order to stimulate collagen regeneration. Moreover, Applicants submit that the Examiner's arguments themselves highlight the non-obviousness of the present claims. Upon consideration of this amendment, Applicants submit that the patentability of the claims is clear.

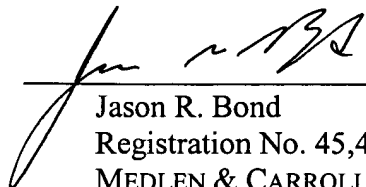
II Request for an Interview

As noted above, Applicants believe that upon consideration of the "increasing alkalinity" amendment, the present claims should be allowed. Should the Examiner disagree, Applicants would like to request that the Examiner call the Applicants at 608-218-6900 for an interview prior to mailing an Advisory Action. It is believed that such an Interview could greatly expedite the prosecution of this application.

Conclusion

For the reasons set forth above, it is respectfully submitted that Applicants' claims should be passed to allowance.

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Jason R. Bond
Registration No. 45,439
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105